

Serial No. 10/691,799

In the Drawings:

Please substitute the accompanying sheets of drawings which include Figs. 8 to 11 for the original sheets submitted with the application.

REMARKS

The new sheets of drawings including Figs. 8 to 11 are submitted to overcome the objection made by the Examiner. It was agreed at the interview that the proposed replacement drawings would be acceptable.

The specification has been amended to update the continuing data on page 1 relating to the application identified to now identify the application as having matured into a patent. This amendment is made to overcome the objection set forth in the Office Action. Additionally, the continuing data for the applications identified on page 2 has also been updated to indicate the patents issuing on those applications.

The claims have been amended to overcome the rejections on double-patenting and on prior art and are in accordance with the agreement made at the interview with the Examiner. More specifically, as noted in the Interview Summary, the Examiner agreed that specifying that the first layer of cured resin or the first layer of cured resin and the bracket had an uneven thickness and/or that the bracket was not aligned with the layer(s) in order to provide the claimed control value would distinguish the claimed invention from Wong and Applicant's earlier patent. At the most, Wong and Applicant's earlier patent could be construed to show a "zero" control value. The Examiner also agreed to consider the control value distinctions in different independent claims. Accordingly, Claim 1 was amended to cover a rotation control value, while new independent Claims 6, 7 and 8 are submitted to respectively cover torque, tip and in/out compensation values.

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Inasmuch as the application includes four independent claims, the fee of \$100 covering the one independent claim over three accompanies this amendment. You are hereby authorized to charge any deficiencies to Deposit Account No. 26,0232.

It was recognized by the Examiner at the interview that Applicant's prior '242 patent did not disclose or teach built-in control values for tip, torque rotation and in/out compensation as disclosed in this application. Indeed, as mentioned at the interview, the '242 patent disclosure does not use any of the terms "control value," "tip," "torque," "rotation," or "in/out compensation." Similarly, these terms were not used in the Wong 5,810,584 patent.

It was also explained by Applicant's attorney at the interview that it was the intent of the claims in this application to cover the combination of a bracket with a base having a cured layer and an uncured layer as disclosed and claimed in the '242 patent, and a structure to define a built-in control value. It was submitted that this combination was not taught by the '242 patent or the Wong patent. Further, Applicant's attorney argued at the interview that the control value limitation of the present invention was not inherent in the '242 patent or Wong.

While the Examiner and Applicant's attorney recognized that the '242 patent disclosure and the Wong disclosure could be construed to disclose brackets having "zero" control values, they did not disclose a bracket having structurally incorporated in the bracket or the first layer of resin a structure that would produce a built-in control value other than zero. For example, as is disclosed in this application, the first cured layer of resin could structurally be made with an uneven thickness mesiodistally to incorporate a rotation control value or occlusogingivally

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to incorporate a torque value. Additionally, the thickness of the first layer of cured resin and/or the bracket could be structured to produce an in/out compensation value other than what would be considered a standard value for a bracket. Further, the orientation of the first cured resin layer to the bracket can be non-aligned as shown in Fig. 8 to provide a bracket and base that would produce a tip control value.

It was further submitted by Applicant's attorney at the interview that neither the bracket in the '242 patent nor the bracket of Wong inherently produce the control values of tip, torque, rotation and in/out compensation as in the present invention. The Examiner agreed that specific structural limitations in the claims to cover control values other than zero would distinguish over Applicant's prior '242 patent and the Wong patent.


It was also explained by Applicant's attorney at the interview that in response to the query in the Wong rejection the "same family" limitation was properly disclosed and explained in the specification. More specifically, the reference to "same family of resins" is set forth on pages 3, 6 and 10 of the specification, and the examples of the materials relating to this limitation are set forth on page 10 of the specification. The polymer resin of the first layer is explained on page 10 that it may be acrylic epoxy, acrylic based epoxy, or any other suitable resin. Further, any of these resins may be light-curable, chemically curable, or heat-curable. Further, the second uncured layer of polymer resin is explained to be in the same polymer family as that of the first layer. The purpose of the same family limitation is that it enhances bonding between the layers. However, it was also explained on page 10 of the specification that while a cured layer may be heat-cured, the uncured layer of the same family may be light-curable.

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Accordingly, in view of the foregoing, it is submitted that the claims submitted herein define patentably over the '242 patent and Wong. Thus, the rejections of obviousness-type double-patenting and Wong by anticipation have been overcome by the amended claims that set forth structurally a combination of a bracket with cured and uncured layers of resin to produce the control values other than zero should be allowed.

An earnest endeavor has been made to place this application in condition for formal allowance, and such action is courteously solicited. Please contact the undersigned if any questions arise.

Respectfully submitted,



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February 23, 2006

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